

VIRGINIA:

IN THE GENERAL DISTRICT COURT OF FAIRFAX COUNTY

PJI LAW, PLC,

Plaintiff,

v.

DEBORAH WESSELLS,

Defendant.

Case No.: GV23023898-00

**PLAINTIFF'S SUGGESTION OF DEFENDANT'S BANKRUPTCY AND
MOTION TO DISMISS ACTION AS A LEGAL NULLITY**

Comes now PJI Law, PLC (the "Plaintiff"), by and through the undersigned, pursuant to 11 U.S.C. § 362(a), to notify this Honorable Court of the Defendant's recent bankruptcy filing and the consequential legal nullity of the Warrant in Debt the Plaintiff filed in this Honorable Court and in support thereof states as follows:

1. On November 6, 2023, the Defendant filed her Chapter 13 Voluntary Petition for Individuals in the United States Bankruptcy Court for Maryland, Greenbelt Division (the "Bankruptcy Court") thereby initiating the case styled: *In re Wessells*, No. 23-18039 (Bankr. D. Md.) (the "Bankruptcy Case"). Cf. **Exhibit A** (Notice of Bankruptcy).

2. Ms. Wessells, seemingly deliberately and knowingly, completely omitted the Plaintiff as a creditor from her bankruptcy filings such that the Plaintiff was not duly and timely provided notice of her bankruptcy case. *See generally Wessells* (completely omitting the Plaintiff).

3. On December 20, 2023, without knowledge of the Bankruptcy Case, the Plaintiff filed its Warrant in Debt against the Defendant thereby initiating the above-captioned case.

4. Ms. Wessells, after seemingly evading multiple service attempts, was finally served process on February 16, 2024.

5. On February 17, 2024, Ms. Wessells notified the Plaintiff that she filed for bankruptcy.

6. While Ms. Wessells alleged misconduct does raise several questions that will undoubtedly be adjudicated in federal court, pursuant to 11 U.S.C. § 362, notwithstanding the Plaintiff's lack of notice at the time of filing, the Bankruptcy Case renders the Plaintiff's Warrant in Debt a legal nullity.

7. A courtesy copy of this filing is being sent to the Defendant's bankruptcy counsel.


WHEREFORE, the Plaintiff respectfully requests that this Honorable Court:

(A) Dismiss this action against the Defendant without a hearing as a legal nullity pursuant to an Order substantially similar to the Proposed Order attached hereto as **Exhibit B** should the Defendant not note an objection to the requested relief prior to the Return Date in this matter (February 29, 2024); and

(B) Grant any further and necessary relief to close this action.

Respectfully submitted,

Date: February 20, 2024


Mahlon J. Mowrer, Esq. (VSB No. 97135)
PJI LAW, PLC
3900 Jermantown Road, Suite 220
Fairfax, VA 22030
Phone: (703) 865-6100
Fax: (703) 865-6125
E-Mail: mmowrer@pjilaw.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a courtesy copy of the foregoing was sent via first-class, postage prepaid, to:

Deborah Wessells
820 Tritapoe Drive
Knoxville, MD 21758
Defendant

David Cahn, Esq.
THE LAW OFFICE OF DAVID CAHN
4316 Medallion Drive
Silver Spring, MD 20904
Bankruptcy Counsel for Defendant


Mahlon J. Mowrer

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 11/06/2023 at 4:06 PM and filed on 11/06/2023.

Deborah Wessells
820 Tritapoe Drive
Knoxville, MD 21758
SSN / ITIN: xxx-xx-0723



The case was filed by the debtor's attorney: The bankruptcy trustee is:

David Erwin Cahn
Law Office of David Cahn, LLC
129-10 W. Patrick St., 2nd Fl.
Frederick, MD 21701
3017998072

Rebecca A. Herr
Chapter 13 Trustee
185 Admiral Cochrane Dr.
Suite 240
Annapolis, MD 21401
301-805-4700

The case was assigned case number 23-18039 to Judge Lori S. Simpson.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Mark A. Neal
Clerk, U.S. Bankruptcy Court

PACER Service Center			
Transaction Receipt			
02/19/2024 12:54:50			
PACER Login:	M_J_Mowrer	Client Code:	
Description:	Notice of Filing	Search Criteria:	23-18039
Billable Pages:	1	Cost:	0.10